

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE  
S/S Mt. Zion Road, 487.05 ft.  
W of C/I Falls Road  
3117 Mt. Zion Road  
5th Election District  
Jrd Councilmanic District  
Don L. Tate, et ux  
Petitioners

\* BEFORE THE DEPUTY ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 94-233-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as an administrative variance filed by Don L. Tate and Vicki Tate, his wife, for that property known as 3117 Mt. Zion Road in the Pine Lane Estates subdivision of Baltimore County. The Petitioner/property owners herein seek a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 16 ft. in lieu of the required 35 ft. for an attached garage, as more particularly described on Petitioners' Exhibit No. 1, the plat to accompany the Petition.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the

B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 24th day of January, 1994 that the Petition for a Zoning Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 16 ft. in lieu of the required 35 ft. for an attached garage, in accordance with Petitioners' Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The Petitioners shall not allow or cause the accessory structure to be converted to a second dwelling unit and/or apartment. The garage shall contain no living or sleeping quarters, and no kitchen or bathroom facilities.

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO,  
Deputy Zoning Commissioner  
for Baltimore County

TMK/mm

-2-

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

January 24, 1994

Mr. and Mrs. Don L. Tate  
3117 Mt. Zion Road  
Upperco, Maryland 21155

RE: Petition for Administrative Zoning Variance  
Case No. 94-233-A  
Property: 3117 Mt. Zion Road

Dear Mr. and Mrs. Tate:

Enclosed please find the decision rendered in the above captioned case. The Petition for an Administrative Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

*Timothy M. Kotroco*  
Timothy M. Kotroco  
Deputy Zoning Commissioner

TMK:mm  
encl.



## Petition for Administrative Variance to the Zoning Commissioner of Baltimore County

for the property located at 3117 Mt. Zion Rd., Upperco, MD 21155  
which is presently zoned RC 2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 16 ft. in lieu of the required 35 ft. for an attached garage, in accordance with Petitioners' Exhibit No. 1, the plat to accompany the Petition.

Under present RC2 zoning guidelines the proposed expansion from the existing garage dimensions would violate the thirty-five foot requirement between the property line and the dwelling structure. The proposed changes would reduce the present distance from thirty-one feet to sixteen feet.

Property is to be posted and advertised as prescribed by Zoning Regulations. I do hereby agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Corrected Petitioner/Owner  
(Type or Print Name)  
Signature  
Address  
City State Zip Code  
Attorney for Petitioner  
(Type or Print Name)  
Signature  
Address  
City State Zip Code  
Phone No.  
Name Address and phone number of representative to be contacted

Don L. Tate  
Vicki Tate  
3117 Mt. Zion Rd. 410-2392360  
Upperco MD 21155  
Don L. Tate  
3117 Mt. Zion Rd. 410-2392360  
6668383 W

A Public Hearing having been requested and/or found to be required it is ordered by the Zoning Commissioner of Baltimore County, this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ that the subject matter of this petition be set for a public hearing, to be held on \_\_\_\_\_ at \_\_\_\_\_ in the Board Room of Baltimore County, and that the property be posted.

REVIEWED BY: RT. DATE: 12-7-93  
ESTIMATED POSTING DATE: 12-24-93  
ITEM #: 234

## Affidavit in support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) do(es) presently reside at 3117 Mt. Zion Rd.,  
Upperco MD 21155

That based upon personal knowledge, the following are the facts upon which I/we base the request for an Administrative Variance at the above address. (Include reference to practice affidavit)

Under present RC2 zoning guidelines the distance required between the property line and the dwelling is thirty five feet. Although the existing garage structure is now thirty feet from the property line no variance

was obtained to comply during the original owners' erection of the present structure. This variance is being sought to place the expansion of the garage structure within legal zoning requirements. The proposed garage expansion will reduce the present thirty foot distance to fifteen feet.

That Affiant(s) acknowledge(s) that if a protest is filed, Affiant(s) will be required to pay a repasting and advertising fee and may be required to provide additional information.

*Don L. Tate*  
Don L. Tate  
Vicki Tate  
Type or Print Name

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:  
I HEREBY CERTIFY, this 5 day of December, 1993, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared  
*Don L. Tate*  
*Vicki Tate*

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of their knowledge and belief.

AS WITNESS my hand and Notarial Seal  
Dec 5, 1993  
Notary Public  
My Commission Expires: Sept, 1997

## EXAMPLE 3 - Zoning Description

(3 copies)

94-233-A

Three copies are required. Copies of deeds cannot be used in place of this description. Use this fill-in format provided whenever possible; otherwise, type or print on 8-1/2" x 11" sheet.

ZONING DESCRIPTION FOR 3117 Mt. Zion Rd., Upperco MD 21155  
Election District 5 Councilmanic District 3

Beginning at a point on the SOUTH side of Mt. ZION Rd.  
(north, south, east or west)

(street on which property fronts) which is (number of feet of right-of-way width)

wide at a distance of 487.05' WEST of the  
(number of feet) (north, south, east or west)

centerline of the nearest improved intersecting street FALLS RD.  
(name of street)

which is (number of feet of right-of-way width) wide. \*Being Lot # 1

Block \_\_\_\_\_, Section # \_\_\_\_\_ in the subdivision of

PINE LANE ESTATES as recorded in Baltimore County Plat

Book # \_\_\_\_\_, Folio # 136, containing  
1,000 Acres  
(square feet and acres)

ITEM# 234

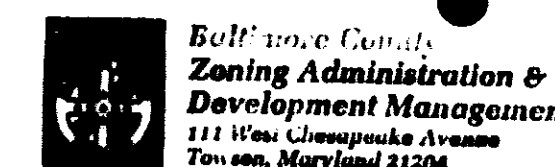
\*If your property is not recorded by Plat Book and Folio Number, then DO NOT attempt to use the Lot, Block and Subdivision description as shown, instead state: "As recorded in Deed Liber \_\_\_\_\_, Folio \_\_\_\_\_ and include the measurements and directions (metes and bounds only) here and on the plat in the correct location.

Example of metes and bounds: N.87° 12' 13" E. 321.1 ft., S.18° 27' 03" E. 87.2 ft., S.62° 19' 00" W. 318 ft., and N.08° 15' 22" W. 80 ft. to the place of beginning.

## CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 5  
Posted for: 12/23/93  
Petitioner: Don L. Tate, et ux  
Location of property: 3117 Mt. Zion Rd., S/S  
Location of signs: Posting on property being var'd.  
Remarks:  
Posted by: *Timothy M. Kotroco*  
Number of Signs: 1  
Date of return: 12/24/93



Date 12-7-93 94-233-A  
3117 MT ZION RD.

010 - ADM. VAR - \$ 50.00  
080 - POSTING SIGN - \$ 135.00  
TOTAL - \$ 65.00

receipt

Account: R-001-4100

Number 234  
R.T.

01A010133MICMRC  
PS C012111PA12-07-93

\$85.00

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

January 3, 1994

Mr. and Mrs. Don L. Tate  
3117 Mt. Zion Rd.  
Upperco, Maryland 21155

RE: Case No. 94-233-A, Item No. 234  
Petitioner: Don L. Tate, et ux  
Petition for Administrative Variance

Dear Mr. and Mrs. Tate:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e., zoning commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on December 7, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1. The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.





**Maryland Department of Transportation  
State Highway Administration**

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Charlotte Minton  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 94-234 (RT)

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

*David N. Carter, Acting Chief*  
John Contestabile, Chief  
Engineering Access Permits  
Division

BS/

My telephone number is \_\_\_\_\_  
Maryland Relay Service for Impaired Hearing or Speech  
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 7117 - Baltimore, MD 21203-0717  
Street Address: 707 North Calvert Street - Baltimore, Maryland 21202

**BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE**

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: September 22, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Items No. 226, 227, 238, 234, 237, 238, 239, 240, 242, and 244

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Division Chief:

PK/JL:lw

ZAC.226/PZONE/ZAC1

**Baltimore County Government  
Fire Department**

700 East Joppa Road, Suite 901  
Towson, MD 21286-5501

(410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: DON L. TATE & VICKI TATE

LOCATION: S/S MT. ZION RD., 487.05' W OF CENTERLINE FALLS RD.  
(3117 MT. ZION RD.)

Item No.: 234 (RT) Zoning Agenda: ADMIN. VARIANCE

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Prevention, PHONE 887-4881, MS-1102F

cc: File

Printed on Recycled Paper

**Baltimore County Government  
Office of Zoning Administration  
and Development Management**

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

November 22, 1994

**NOTICE OF CASE NUMBER ASSIGNMENT**

Re: Don L. Tate and Vicki Tate  
3117 Mt. Zion Road  
Towson, Maryland 21204

Re: CASE NUMBER: 94-234-A (Item 234)  
3117 Mt. Zion Road  
S/S Mt. Zion Road, 487.05' W of c/l Falls Road  
5th Election District - 3rd Councilmanic

Please be advised that your Petition for Administrative Zoning Variance has been assigned the above case number. Contact made with this office regarding the status of this case should reference the case number and be directed to 887-3353. This notice also serves as a reminder regarding the administrative process.

1) Your property will be posted on or before December 26, 1993. The closing date (January 10, 1994) is the deadline for a neighbor to file a formal request for a public hearing. After the closing date, the file will be reviewed by the Zoning or Deputy Zoning Commissioner. They may (a) grant the requested relief, (b) deny the requested relief, or (c) demand that the matter be set in for a public hearing. You will receive written notification as to whether or not your petition has been granted, denied, or will go to public hearing.

2) In cases requiring public hearing (whether due to a neighbor's formal request or by order of the Commissioner), the property will be reported and notice of the hearing will appear in a Baltimore County newspaper. Charges related to the reporting and newspaper advertising are payable by the petitioner(s).

3) Please be advised that you must return the sign and post to this office. They may be returned after the closing date. Failure to return the sign and post will result in a \$50.00 charge.

PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION VIA PICK-UP. WHEN READY, THE ORDER WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL.

*Arnold Jablon*  
Arnold Jablon  
Director

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**Baltimore County Government  
Fire Department**

700 East Joppa Road, Suite 901  
Towson, MD 21286-5500

(410) 887-4500

DATE: 05/20/94

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204  
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time. IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 429, 431, 432, 433, 434, 435, 436, 437, 438, 440, 441, 442, 443, AND 443.

REVIEWER: LT. ROBERT P. SAUERWALD  
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

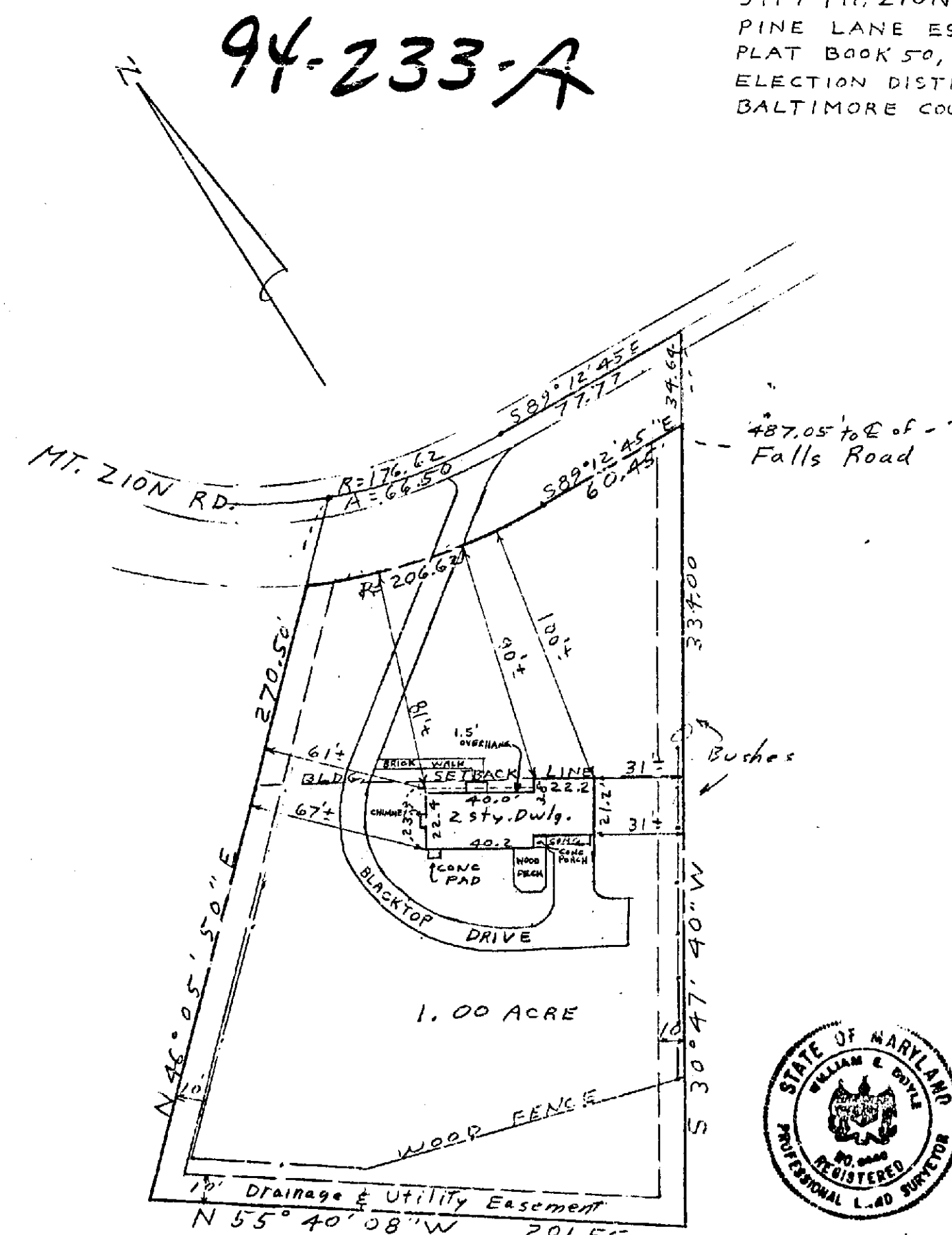
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*William E. Doyle*

LAND SURVEYOR 8440  
3312 EMERALD DRIVE SYKESVILLE, MARYLAND 21784 PHONE (301) 795-2210

**LOCATION SURVEY**

3117 MT. ZION ROAD  
PINE LANE ESTATES  
PLAT BOOK 50, PAGE 136  
ELECTION DISTRICT 5  
BALTIMORE COUNTY MD



THIS IS TO CERTIFY THAT THIS HOUSE  
DOES NOT LIE WITHIN A FLOOD PLAIN  
UNLESS SHOWN HEREON.

THIS IS TO CERTIFY THAT WE HAVE MADE A  
LOCATION SURVEY OF THE IMPROVEMENTS, AND  
THAT THEY ARE LOCATED ON THE LOT AS SHOWN  
HEREON.

Signed This 11th day DECEMBER 1992

SCALE 50 ft. = 1 inch

File No. 47-1722

MAP 11 A 1

NOTE: This plat cannot be used to establish  
property lines or corners.

**Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing**

PROPERTY ADDRESS: 3117 MT. ZION ROAD

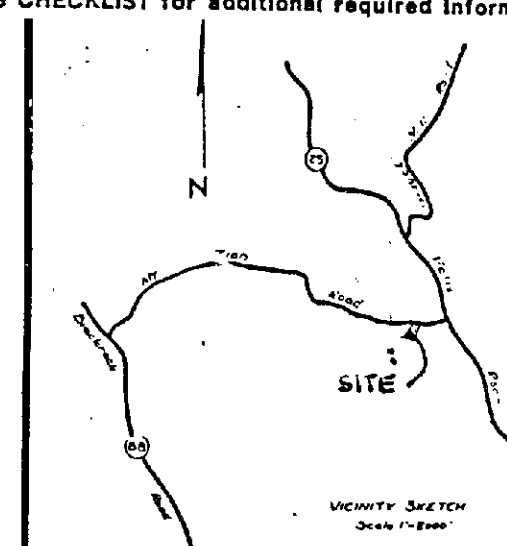
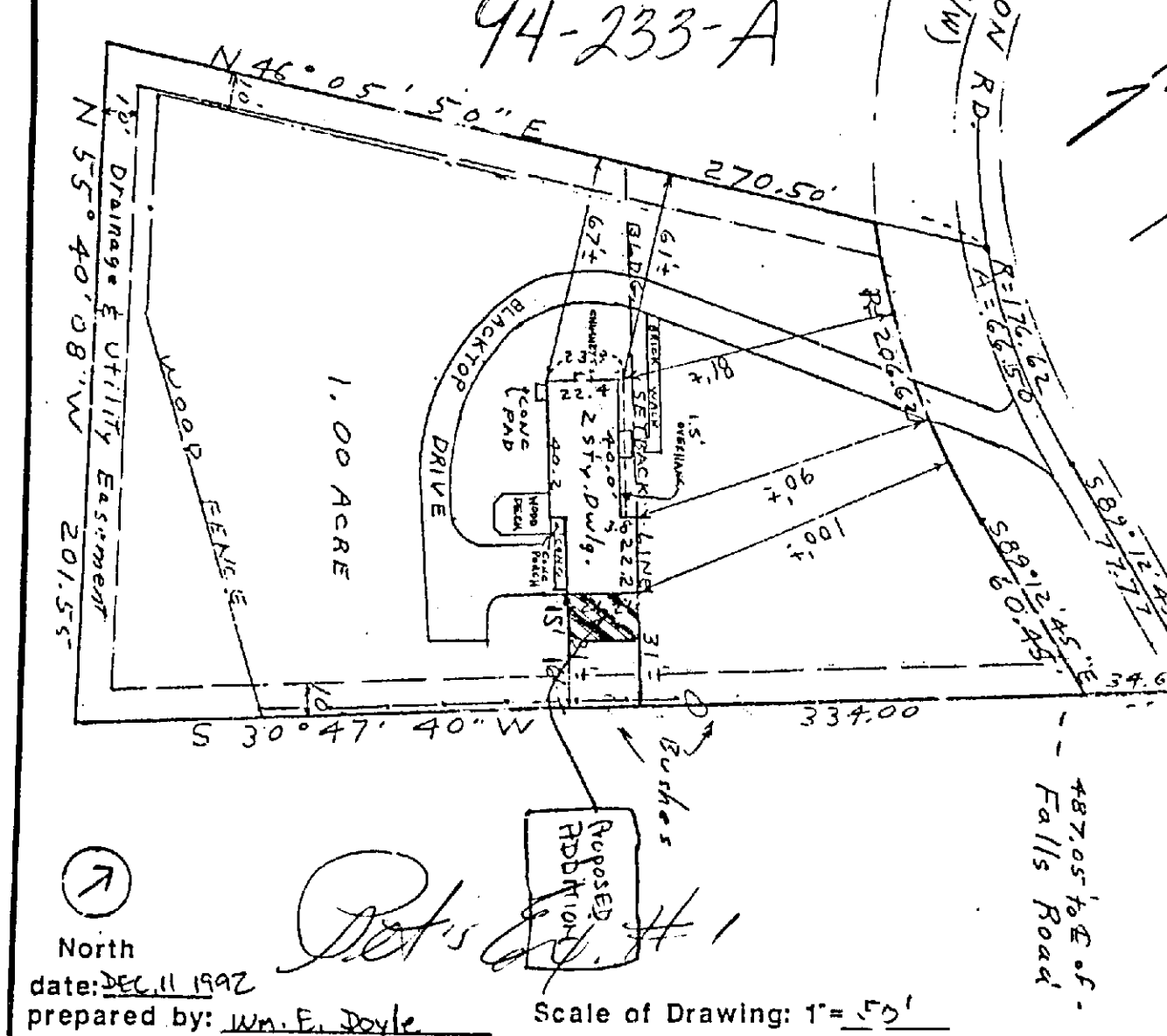
see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: PINE LANE ESTATES

plat book 50, folio 136, lot # \_\_\_\_\_ section # \_\_\_\_\_

OWNER: DON & VICKI TATE

94-233-A



**LOCATION INFORMATION**

Election District: 5

Councilmanic District: 3

1"=200' scale map: NW 26-6

Zoning: R-2

Lot size: 1.000 acreage

67,318 square feet

SEWER: ☒ WATER: ☒

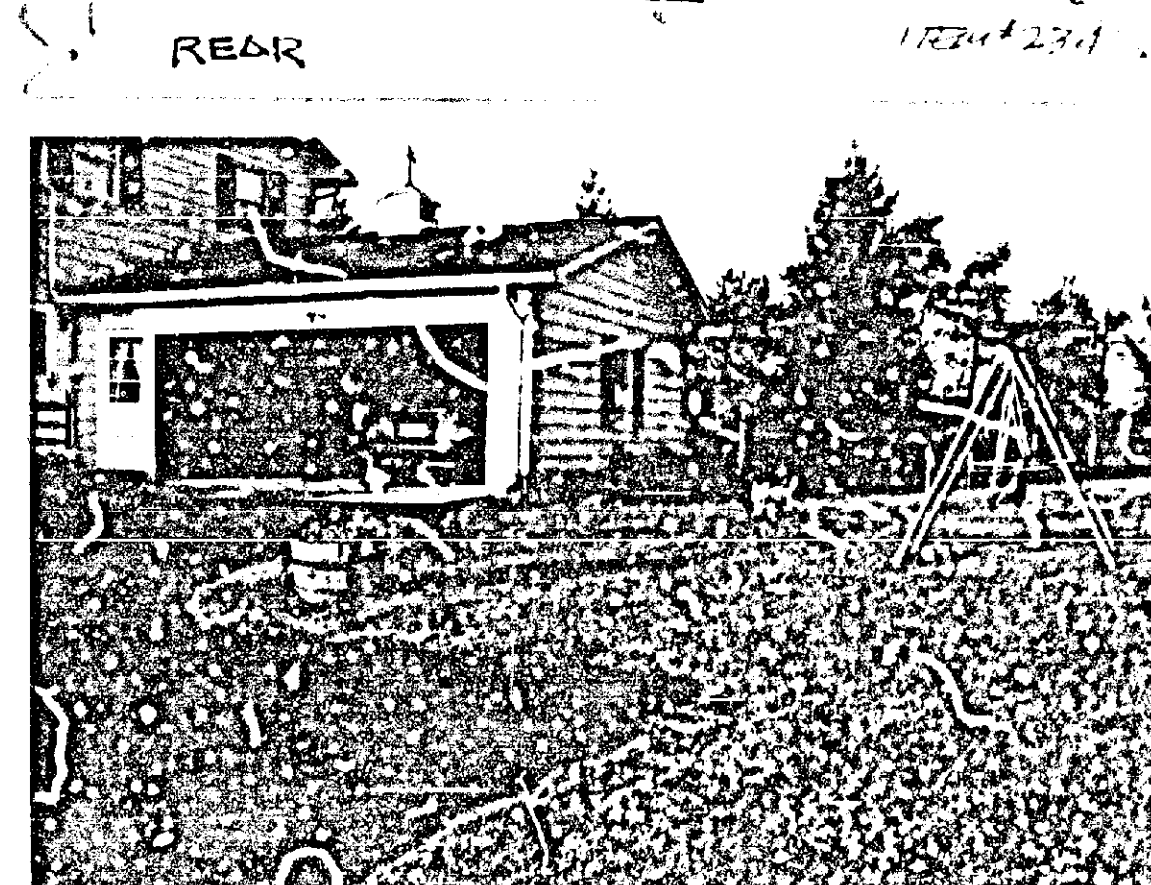
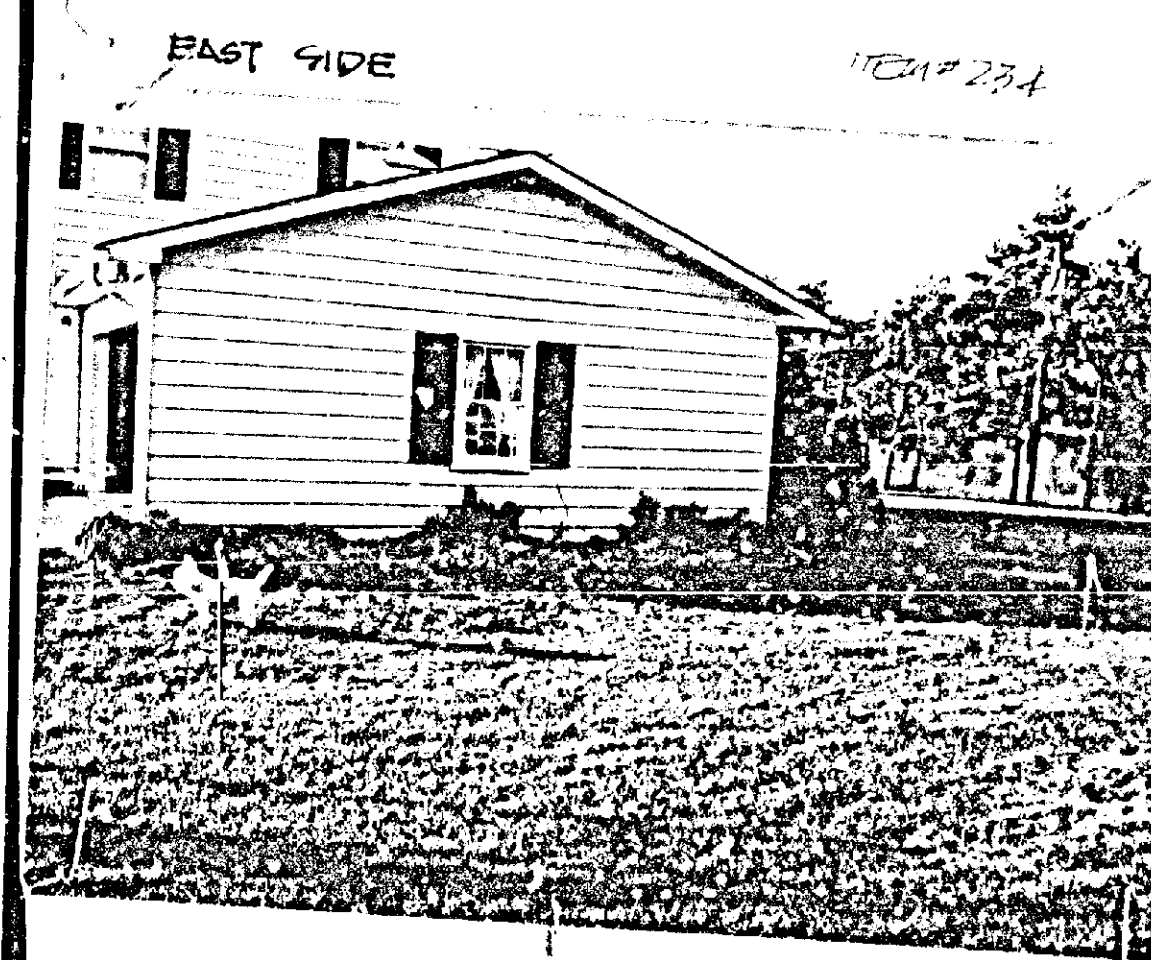
Chesapeake Bay Critical Area: ☒

Prior Zoning Hearings: NONE

**Zoning Office USE ONLY!**

reviewed by: \_\_\_\_\_ ITEM #: \_\_\_\_\_ JASEP: \_\_\_\_\_

RTI 234





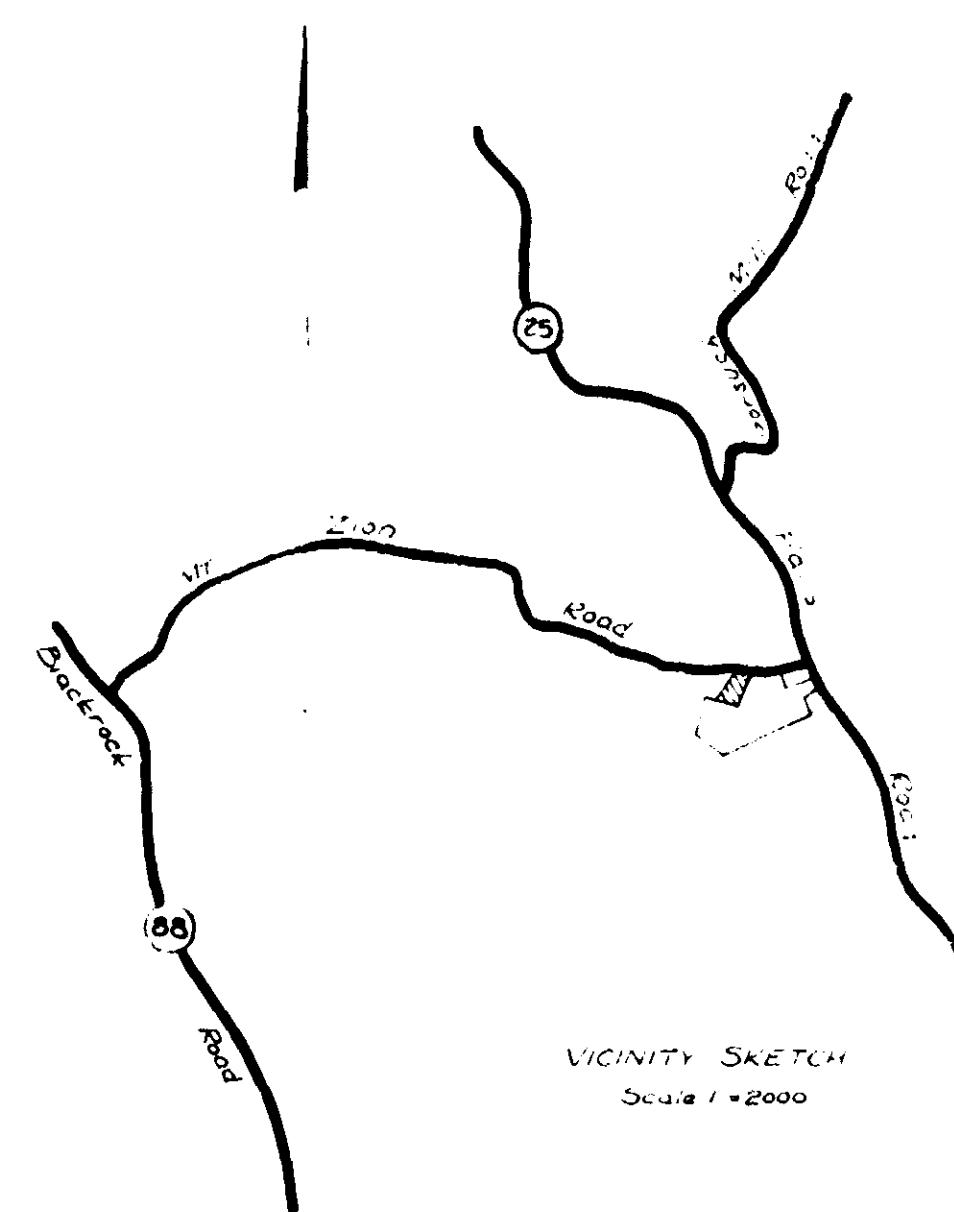
FRONT



FRONT 45° ANGLE



94-233-A



VICINITY SKETCH  
Scale 1" = 2000'

DENSITY CALCULATIONS  
Gross Area Total Site - 14.034 Acres  
Gross Area This Plat - 1.101 Acres  
Net Area - 1.000 Acres  
No. of Lots - 1  
Gross Residential Density - 0.908  
Net Residential Density - 1.0  
Zoning - RC 2

Note: Streets and/or roads shown here are for information only and are not intended to be dedicated to public use. The fee simple title to the beds thereof is expressly reserved in the Grantors of the Deed to which this plat is attached, their heirs and assigns.

The coordinates as shown hereon are assumed.

The plat is subject to the provisions of the provisions of Section 22-60, Bill # 50-82.

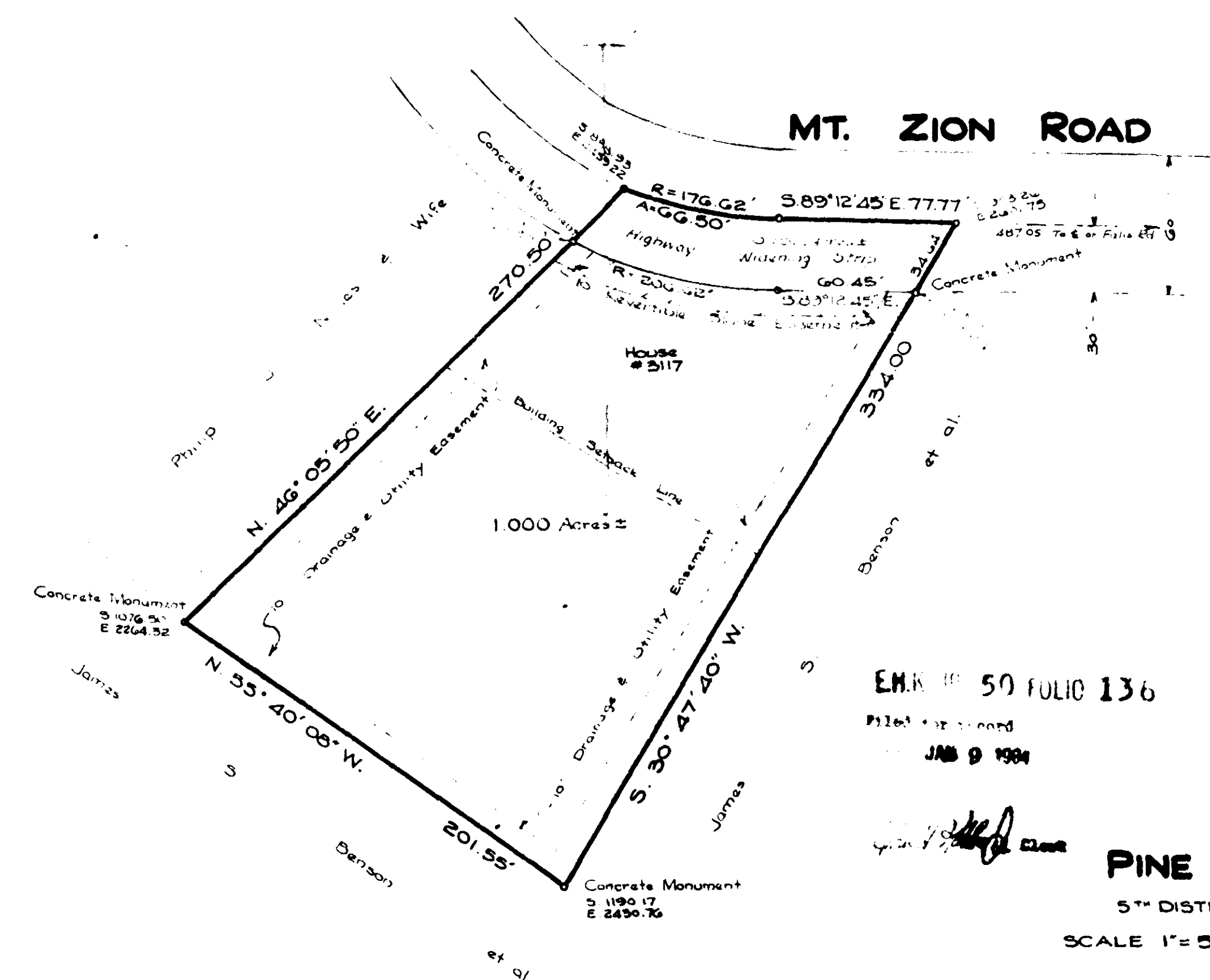
Highway and Highway widening, slope drainage and utility easements shown hereon are reserved unto the developer, his personal representatives and assigns shall convey said areas by deed to Baltimore County, Md. at no cost.

**C.A. MYERS - SURVEYOR**

5732 EMORY ROAD - UPPERCO, MD. 21155

PHONE: 429-5079

94-233-A



APPROVED: Office of Planning and Zoning

*[Signature]* 12/1/83  
DATE

APPROVED: Baltimore County Health Department

*[Signature]* 8/5/83  
DATE

APPROVED: Department of Public Works

*[Signature]* 8/8/83  
DATE

EMORY 50 FOLIO 136

Plat first recorded  
JAN 9 1984

**PINE LANE ESTATES**

5TH DISTRICT, BALTIMORE COUNTY, MD.

SCALE 1" = 50' JUNE 16, 1983

Recording of the Plat does not constitute or imply acceptance by the County of any street, easement, park, open space or other public area shown on the Plat.  
Recording of the Plat does not guarantee installation of streets or utilities by Baltimore County.  
This information shown may be superseded by an amended plat.

**SURVEYORS CERTIFICATE**

I hereby certify that the land shown hereon has been laid out and the plat thereof prepared in accordance with the provisions of the law relating to the subdivision of land known as House Bill # 459, Chapter 101G of the Acts of 1945 and subsequent amendatory acts.

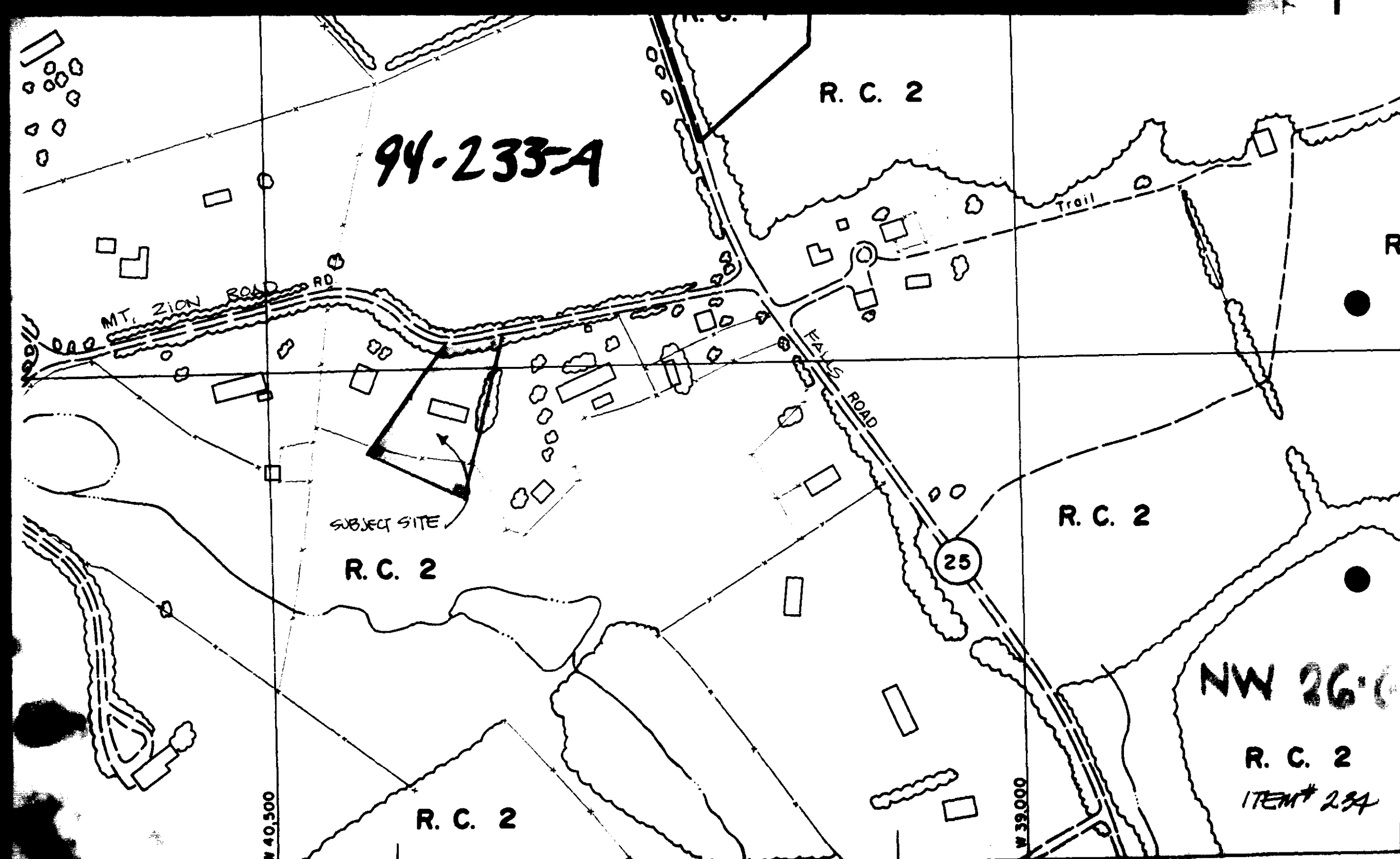
C. A. Myers - Surveyor

**OWNERS CERTIFICATE**

I hereby certify that the requirements of Section 5-105(a) of the Annotated Code of Md., 1973 Replacement Volume 2-A and subsequent acts, as far as they relate to the making of this plat setting of markers have been complied with.

*[Signature]* 2/22/83  
OWNER DATE  
*[Signature]* 2/5/83  
OWNER DATE  
*[Signature]* 2/5/83  
OWNER DATE

ITEM # 234





PREPARED BY: AIR PHOTOGRAPHICS, INC.  
MARTINSBURG, W.V. 25401

ITEM # 234  
94-233-A

BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE  
1" = 200' ±

DATE  
OF  
PHOTOGRAPHY  
JANUARY  
1986

LOCATION  
  
SOUTH OF  
HALESTOWN

SHEET  
  
N W  
26-G